IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 7143 of 2007(A)

PETITIONER:

ELSAMMA K.,
1ST GRADE CLERK IN P.W.D., ALUVA, POTTAKKADU HOUSE
KARUMADY, KANJIPPADOM, AMBALAPPUZHA.

BY ADV. SRI.K.S.RAJEEV (ALUVA)

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE.

2. DISTRICT COLLECTOR, ALAPPUZHA.

3. SPECIAL DEPUTY TAHSILDAR (R.R),
KSFE LTD., H.P. UNIT, KUMARANASAN SAMSKRITA
MANDIRAM, ALAPPUZHA.

4. K.S.F.E.,
REPRESENTED BY ITS MANAGING DIRECTOR.

5. THE BRANCH MANAGER,
K.S.F.E. LTD., AMBALAPUZHA.

6. ROHINI AMMA C.K., W/O.SARANGADHARAN,
SDV GOVERNMENT U.P.SCHOOL, NEERKUNNAM,
VANDANAM, ALAPPUZHA-8.

7. SARANGADHARAN, C/O. ROHINI AMMA C.K.,
SDV GOVERNMENT U.P. SCHOOL, NEERKUNNAM,
VANDANAM, ALAPPUZHA-8.

8. LILLIKUTTY, W/O. LATE O. JOSEPH,
KAREEPARAMBIL, PULINKUNNU, MANKOMBU P.O.

9. ASSISTANT EXECUTIVE ENGINEER,
P.W.D. (ROADS) SUB DIVISION, ALUVA.

BY ADV. SRI.M.L.SAJEEVAN, SC, KSFE LTD.
ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 7143/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PROHIBITORY ORDER DATED 29/12/2006 ISSUED BY 3RD RESPONDENT.

P2 : COPY OF THE DOCUMENT SHOWING THAT O.JOSEPH HAD DEPOSITED AMOUNT WITH 7TH RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 7143 of 2007

Dated, this the 23rd day of July, 2007

J U D G M E N T

Petitioner is challenging recovery proceedings for recovery of arrears due from the defaulter, who is no more. Petitioner and 6th respondent are stated to be the guarantors. Even though petitioner stated that 6th respondent is not proceeded against, learned Standing Counsel submitted that recovery proceeding is initiated against her and already around Rs. 12,000/- is recovered from her. Since the defaulter is dead, I feel, on equitable consideration the balance arrears should be recovered equally from the two sureties. This writ petition is, accordingly, disposed of directing respondents 1 to 5 to recover the arrears equally from the petitioner and the 6th respondent. If petitioner remits 50% of the arrears, then recovery of balance 50% should be from 6th respondent.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg